



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ - ೩ Part - III	ಬೆಂಗಳೂರು, ಬುಧವಾರ, ೨೩, ಜೂನ್, ೨೦೨೧ (ಆಷಾಢ, ೦೨, ಶಕವರ್ಷ, ೧೯೪೩) BENGALURU, WEDNESDAY, 23, JUNE, 2021 (ASHADHA, 02, SHAKAVARSHA, 1943)	ನಂ. ೬೦೮ No. 608
-----------------------	--	--------------------

Urban Development Department

No: UDD 75 GEL 2021 (e)

Karnataka Government Secretariats
Vikasa Soudha
Bengaluru, Date: 23-06-2021

NOTIFICATION

The draft of the Karnataka Telecommunication Infrastructure and Underground Optical Fibre Cable Bye-laws 2021 which the Government proposes to make in exercise of the powers conferred by the Indian Telegraph Right of Way Rules, 2016 read with sections 318 and 321 of the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020), sections 423 and 427 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and section 325 of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) and in order to bring uniformity in disposal of permission amount Local Authorities is hereby published for the information of all the persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication in the official Gazette.

Any objection or suggestion which may be received by the State Government from any person with respect to the said draft before the expiry of the period specified above will be considered by the State Government. Objection and suggestions may be addressed to the Principal Secretary to Government, Urban Development Department, 4th Floor, Vikasa Soudha, Bangalore-560001.

DRAFT BYE-LAWS CHAPTER-I PRELIMINARY

1. Title, commencement and application. - (1) These Bye-laws may be called the Karnataka Telecommunication Infrastructure and Underground Optical Fibre Cable Rules, 2021 and the Karnataka Municipalities Telecommunication Infrastructure and Underground Optical Fibre Cable Bye-laws 2021.

(2) They shall come into force from the date of their final publication in the official Gazette.

(3) Notwithstanding anything contained in the zoning regulation contained in any master plan, the provisions of these Bye-laws shall apply to the areas of,-

- (i) the Bruhat Bengaluru Mahanagara Palike;
- (ii) the City Corporations;
- (iii) the City Municipal Councils;
- (iv) the Town Municipal Councils; and
- (v) the Town Panchayats.

2. Definitions. – For the purposes of Bye-laws, unless the context otherwise requires,-

- (a) “Act” means the Indian Telegraph Act, 1885 (Central Act 13 of 1885);
- (b) “Applicant” shall mean an agency who is a telecom or cable infrastructure provider, registered with the Department of Telecommunication to install new Telecommunication Infrastructure Towers (TIT) or to lay cable wires either below the surface of the earth or above the surface of the earth for any communication purposes recognized under the appropriate law.
- (c) “Appropriate Authority” means the authority as defined under clause (b) of rule 2 of the Indian Telegraph Right of Way Rules, 2016;
- (d) “Cable” shall mean an assembly of one or more insulated conductors or optical fibres or a combination of both within an enveloping jacket which may be above the surface of the Earth or below the surface of the Earth and shall be a high-speed physical medium for transmitting data or information and shall not include those cables utilized for broadcasting or provision of programming services under the Cable Television Networks Regulations Act, 1995 (Central Act 7 of 1995)
- (e) “Cable duct” shall mean a pipe or tubular hollow structure designed to accommodate the running of one or more cables within it.
- (f) “Government” means the Government of Karnataka.
- (g) “Nodal Officer” for the purpose of these Bye-Laws means,-
 - (i) the Chief Commissioner in case of the Bruhat Bengaluru Mahanagara Palike;
 - (ii) the Commissioner in case of the City Corporation;
 - (iii) the Municipal Commissioner in case of the City Municipal Council; and
 - (iv) the Chief Officer in case of the Town Municipal Council and Town Panchayat.
- (h) “Permission holder” means any person holding a permission/ licence issued under these Bye-laws;
- (i) “Overground cable infrastructure” means a cable over the ground and includes posts or other above ground contrivances appliances and apparatus for the purpose of establishment or maintenance of the cable;
- (j) “Permission” means the permission granted by the urban local bodies to an applicant for the purpose of installing telecommunication infrastructure tower or laying down optical fibre cables above the surface of the earth or below the surface of the earth in accordance with these Bye-laws;
- (k) “Schedule” means the schedule appended to these Bye-laws;
- (l) "Telecommunication Infrastructure Tower (TIT)" shall include Ground Based Tower (GBT), Roof Top Tower (RTT), Roof Top Poles (RTP), Cell Phone Tower (CPT), Antenna fixtures, fabricated antenna, Tower to install the telephone lines, Transmission Towers, Cell On Wheels, In-Building Solutions and Micro Sites. But it shall not include the Antennas installed for domestic purpose, namely Television Antennas or Dish Antennas;
- (m) “Underground cable infrastructure” includes manholes, marker stones, appliances and apparatus for the purposes of establishment or maintenance of the cables; and
- (n) “Urban Areas” means areas within the limits of Urban Local Bodies.

CHAPTER-II SURVEY

3. Survey of the existing cables below the surface of the earth and above the surface of the earth.-

(1) In urban areas where prior to the notification of these Bye-laws there existed no procedure for laying of optical fibre cables or the existing procedure was insufficient, the nodal officer shall undertake a survey within thirty days from the date of notification of these Bye-laws.

(2) The survey shall identify areas where cables or cable ducts have been laid below and above the surface of the earth and the agencies responsible for laying such cables or cable ducts and such a survey shall ordinarily be completed within sixty days from the date of commencement of survey.

(3) Upon undertaking the survey of cables and cable ducts laid below and above the surface of the earth, the Nodal officer shall identify such empty cable ducts within which new cables may be accommodated and record such details for the purposes of scrutinizing any application received under these Bye-laws.

(4) Based on the survey undertaken, the appropriate authority shall direct such agencies who have laid down cables or cable ducts prior to the notification of these Bye-laws to register themselves, afresh, with the nodal officer in accordance with the procedure laid down under these Bye-laws.

4. Survey of telecommunication infrastructure towers,-

(1) In urban areas where prior to the notification of these Bye-laws there existed no procedure for installation of telecommunication infrastructure tower, the nodal officer shall undertake a survey within thirty days from the date of notification of these Bye-laws.

(2) The survey under (1) shall ordinarily be completed within sixty days from the date of commencement of survey and all the telecommunication infrastructure towers who have previously registered with the urban local bodies or have remained unregistered shall register themselves with the nodal officer in accordance with the procedure laid down under these Bye-laws.

(3) Based on the survey undertaken, the nodal officer shall direct such agencies who have installed telecommunication infrastructure towers prior to the notification of these Bye-laws to register themselves, afresh, with the nodal officer in accordance with the procedure laid down under these Bye-laws.

(c) The details of the survey undertaken by the local bodies for the installation of telecommunication infrastructure tower and cables shall be recorded by the local body in such manner as may be appropriate and the particulars of the survey shall be communicated to the Government.

5. Essentiality Of Permit,- No person shall erect or re-erect any non-Governmental telecommunication infrastructure tower or telecommunication pole structures or accessory rooms or lay underground cables or overground cables or make alteration or cause the same to be done without obtaining a separate permission for each such erection or laying from the nodal officer.

“Provided, if any person erects a telecommunication tower or lays down cables (either underground or overground) in the absence of permission under these Bye-Laws, the nodal officer shall initiate action, after giving notice, for removal of the telecommunication tower or cables as per law.

6. Establishment Of Electronic Platform,- (1) The State Government shall establish an electronic platform within six months from the date of publication of these Bye-laws, for the purposes of considering the application submitted to nodal officer who shall convey the acceptance or rejection of the application through the electronic platform.

(a) The platform may also be used for co-ordination among various agencies for the approval and execution.

(b) The Government may from time to time prescribe such standards and procedures for the working of the online platform.

(c) The appropriate authority shall maintain a database of the applications received, permissions granted and the routes on which permissions have been granted.

CHAPTER-III

Establishment And Maintenance Of Underground Cable Infrastructure

7. Application: (1) An applicant shall, for the purposes of establishment of cable infrastructure/ laying of cables under any immovable property vested in or under the control or management of the appropriate authority make an application, supported by such documents, in accordance with Schedule A on the single window platform to the Appropriate Authority / urban local body.

(2) The information along with supporting documents to be provided by the applicant in the application made under sub-clause (1) shall be as given in Schedule C.

Provided any applicant seeking permission to lay cables under these Bye-laws may submit an affidavit to the nodal officer declaring compliance with these Bye-laws and acknowledgement of payment of the application fees to the Appropriate Authority / urban local body. The Nodal officer shall permit the applicant to lay cables provided that all the documents required are submitted within two months from the date of submission of the affidavit.

Provided further that in case the applicant fails to submit the documents within two months, the Nodal officer shall upon serving notice remove the cable infrastructure and levy a penalty of two times the application fees or the expenses incurred for removal, whichever is higher.

(3) (i) In addition to the documents specified in Schedule C, the permission holder shall, while making the application, give a specific commitment on whether he undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the urban local body shall necessarily be put in consequence of the work proposed to be undertaken.

(ii) If the applicant commits to undertake the responsibility of restoration, he/ she shall submit an estimate of the cost of such restoration which shall be approved by the Appropriate Authority. Else, the applicant shall deposit the amount equivalent to the cost of restoration, as specified by the Appropriate Authority / urban local body. The applicant shall make the payment of expenses or submit the bank guarantee as determined by the Appropriate Authority / urban local body before the grant of permission;

(4) Every application under sub-rule (1) shall be accompanied with fee of Rupees One Thousand per Kilometre to meet administrative expenses for examination of the application and the proposed work as the Appropriate Authority / urban local body may, by general order, deem fit;

(5) In the event an applicant seeks permission to lay cables below the surface of the earth on those roads whose ownership cuts across two or more local bodies, the applicant shall make two separate applications in accordance with these Bye-laws.

8. Grant of permission by Appropriate Authority / urban local body,- (1) The concerned nodal officer shall examine the application with respect to the following parameter, namely.-

(i) The route planned for the proposed underground cable infrastructure and the possible interference, either in the establishment or maintenance of such cable infrastructure with any other public infrastructure that may have been laid along the proposed route;

(ii) The mode of execution;

(iii) The time duration for execution of the work and the time of the day that the work is proposed to be executed;

(iv) The estimation of expenses that the Appropriate Authority / urban local body shall necessarily be put in consequence of the work proposed to be undertaken;

(v) The responsibility for restoration of any damage that the local authority/ urban local body may necessarily be put in consequence of the work proposed to be undertaken;

(vi) Assessment of measures to ensure public safety and inconvenience that the public is likely to be put to in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the permission holder; and

(vii) Any other matter, consistent with the provisions of the Act and these Bye-laws, connected with or relative to the establishment or maintenance of underground cable infrastructure, through a general or special order, by the Central Government, State Government or the Appropriate Authority / urban local body.

(2) The Appropriate Authority shall, within a period not exceeding sixty days from the date of application made.-

(i) grant permission on such conditions including but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety and payment of restoration charge as may be specified, subject to the provisions of the Act and Rules made thereunder and these Bye-laws; or

(ii) reject the application for reasons to be recorded in writing;

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection;

Provided further that the permission shall be deemed to have been granted if the Appropriate Authority fails to either grant permission under (i) or reject the application under (ii); and the same shall be communicated in writing to the applicant not later than five working days after the period specified above.

(3) Where the Appropriate Authority accepts the undertaking by the applicant to discharge the responsibility to restore the damage that such authority shall necessarily be put in consequence of the work, the Appropriate Authority while granting permission under clause (i) of sub-clause (2) shall seek a bank guarantee for an amount in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility.

(4) Upon the grant of permission, the Nodal officer shall within fifteen days from the date of grant of such permission publish the order granting permission, the route where the cables has been permitted to be laid and any other information on the website of the respective urban local body.

(5) The Appropriate Authority shall not charge any fee other than those prescribed above from the permission holder for establishment of underground cable infrastructure.

9. Duration of permission,- (1) It shall be contingent on the extent of land or road sought to be dug but shall not exceed six months from the date of grant of permission.

(2) If the applicant is unable to lay down cables within the duration determined by the concerned appropriate authority under sub-clause (i), he/ she shall be required to make an application for renewal on the single window platform and shall specify the reasons for non-completion of works under the previous permission.

(3) No permission for renewal shall be granted by the concerned urban local body for a period exceeding three months and an application for renewal shall be accompanied by the fee.

10. Obligations of permission holder in undertaking work.- (1) The permission holder shall ensure that – (a) prior to the commencement of work of laying the underground cable infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented,; and

(b) the work of laying underground cable infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.

(2) The permission holder shall ensure provision of positional intelligence, through appropriate technology, of all underground cable infrastructures to enable the Appropriate Authority to obtain real time information on its location.

(3) The permission holder shall comply with the technical guidelines provided for under “**Schedule D**”

11. Powers of Appropriate Authority to supervise the work.- (1) The appropriate authority may supervise the execution of work to ascertain if the conditions imposed in the grant of permission are observed by the permission holder.

(2) The concerned appropriate authority may, on the basis of such supervision, impose such other reasonable conditions as it may think fit.

(3) If the concerned appropriate authority comes to the conclusion that the permission holder has willfully violated any of the conditions for grant of permission, it may forfeit, in full or in part, the bank guarantee submitted by the permission holder and withdraw the permission granted to the permission holder, for reasons to be recorded in writing;

Provided that no action shall be taken under this sub-rule unless the permission holder has been given an opportunity of being heard.

12. Maintenance of Cables,- (1) The permission holder shall not remove or translocate the cables without the prior approval of the concerned local authority.

(2) In the event the Local Authority/ Urban Local Body or any other agency of the State Government or Central Government seeks to widen or modify the roads below which the cables of the permission holder exist, such permission holder shall coordinate with such agency for removal or shifting of the cable ducts.

(3) In the event the cable ducts laid down by the permission holder is required to be removed for the purposes provided for under sub-clause (ii), he shall apply for permission, afresh under these Bye-laws for laying cables in another location but shall be exempted from payment of fees or furnishing bank guarantee.

13. Penalties,- (1) The permission holder shall be responsible for restoration of any damages caused to any public or private property during the course of laying cables. In addition, the nodal officer may levy penalty of Rupees One Lakh for causing such damage.

(2) In case of any untoward incidences or accidents arising due to negligence on the part of permission holder during laying of underground cable infrastructure, the nodal officer shall initiate criminal proceedings against the permission holder and take necessary action as per law, in addition to levy of penalty.

CHAPTER-IV

ESTABLISHMENT OF OVERGROUND TELECOMMUNICATION INFRASTRUCTURE TOWER OR OVERGROUND CABLE INFRASTRUCTURE

14. Application:- (1) An applicant shall, for the purposes of establishing overground telecommunication infrastructure tower or overground cable infrastructure, upon any immovable property vested in or under the control or management of any appropriate authority, make an application, supported by such documents, to that appropriate authority in such form and manner as may be specified by the said authority.

(2) The information along with supporting documents to be provided by the applicant in the application made under sub-rule (1) shall be as per Schedule E & Schedule C, as the case maybe.

Provided any applicant seeking permission to erect telecommunication infrastructure tower or overground cable infrastructure under these Bye-laws may submit an affidavit to the concerned appropriate authority declaring compliance with these bye-laws and acknowledgement of payment of the application fees to the concerned appropriate authority. The concerned appropriate authority shall permit the applicant to erect the telecommunication infrastructure tower or overground cable infrastructure provided that all the documents required are submitted within two months from the date of submission of the affidavit.

Provided further that in case the applicant fails to submit the documents within two months the concerned appropriate authority shall upon serving notice remove the tower/ cable and levy a penalty of two times the application fees.

(3) (i) In addition to the documents specified in Schedule C, the permission holder shall, while making the application, give a specific commitment on whether he undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the concerned appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken.

(ii) If the applicant commits to undertake the responsibility of restoration, he shall submit an estimate of the cost of such restoration which shall be approved by the authority. Else, the applicant shall deposit the amount equivalent to the cost of restoration, as specified by the authority.

(4) Every application under sub-rule (1) shall be accompanied with a fee of Rupees Ten Thousand to meet the administrative expenses for examination of the application and the proposed work as the appropriate authority may, by general order, deem fit:

(5) All existing telecommunication infrastructure towers or overground cable infrastructure shall register within six months from the date of publication of this notification in official gazette, by paying fees prescribed in sub-clause (4) above and by submitting structural safety/ stability certificate from a structural engineer empanelled with the local authority or any other agency of the State or Central Government. Upon the failure of the existing telecommunication infrastructure tower or overground cable infrastructure provider to pay the fees and register within the stipulated time, the concerned local authority shall initiate action, after giving notice, for removal of the telecommunication infrastructure tower or overground cable infrastructure as per law.

15. Grant of permission by the Appropriate Authority:- (1) The appropriate authority shall examine the application with respect to the following parameters, namely:-

- i. the extent of land required for the telecommunication infrastructure tower or overground cable infrastructure;
- ii. the location proposed;
- iii. the approval issued by the duly authorized officer of the Central Government for location of the above ground contrivances proposed to be used for transmission of Radio waves or Hertzian waves;
- iv. the mode of and time duration for execution of the work;
- v. the estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;
- vi. assessment of the inconvenience that the public is likely to be put to in consequence of the establishment or maintenance of the telecommunication infrastructure tower or overground cable infrastructure, and the measures to mitigate such inconvenience indicated by the permission holder
- vii. certification of the technical design by a structural engineer attesting to the structural safety of the telecommunication infrastructure tower or overground cable infrastructure;
- viii. certification by a structural engineer, of the structural safety of the building, on which the post or other above ground contrivances is proposed to be established; and
- ix. any other matter, consistent with the provision of these Bye-laws, connected with or related to the laying of telecommunication infrastructure tower or overground cable infrastructure, through a general or special order or guidelines by the Central Government, State Government or the concerned local authority;

(2) Where the establishment of the overground telecom/ cable infrastructure is over the immoveable property, vested in the control or management of any local authority which is, unlikely to be used for any other purpose, the local authority shall be entitled to compensation for the value of the immoveable property, either once or annually, assessed on such rates as that appropriate authority may, by general order, specify.

(3) The appropriate authority shall within a period not exceeding sixty days from the date of application -

- (a) grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety or structural safety and payment of restoration charge or compensation, subject to the provisions of the Act and these Bye-laws; or
- (b) reject the application for reasons to be recorded in writing:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection:

Provided further that the permission shall be deemed to have been granted if the concerned appropriate authority fails to either grant permission under clause (a) or reject the application under clause (b) and the same shall be communicated in writing to the applicant not later than five working days after the time specified as above.

(4) Where the concerned appropriate authority accepts the undertaking by the permission holder to discharge the responsibility to restore the damage that such authority shall necessarily be put in consequence of the work, the concerned appropriate authority while granting permission shall seek a bank guarantee for an amount in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility.

(5) For cell on Wheels, Micro sites and in-building solutions, the fees to be paid shall be Rupees Two Thousand.

(6) The concerned appropriate authority shall not charge any fee other than those mentioned under sub-clause (b) above from the permission holder for establishing overground telecom/ cable infrastructure.

(7) The permit issued shall be a work permit and the construction or erection of telecommunication tower or telecommunication pole structures or accessory rooms essential for the use of such tower or pole structures shall be completed within two years from the date of issue of such permit.

(8) The period of the permit shall be extended for a further period of two years if an application for the same is submitted to the concerned appropriate authority, within the valid period of the permit duly paying 25% of the prescribed fee and charges and in the prescribed form duly attaching the original permit.

16. Obligations of permission holder in undertaking work.- The permission holder shall ensure that –

(1) Prior to the commencement of establishment and maintenance of telecommunication infrastructure tower or overground cable infrastructure and at all times, the measures to mitigate public inconvenience and ensure public safety, including structural safety of such telecommunication infrastructure tower or overground cable infrastructure are implemented;

(2) The work of establishment and maintenance of overground telecom/ cable infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.

17. Powers of the Appropriate Authority to supervise the work.- (1) The concerned appropriate authority may supervise the establishment and maintenance of telecommunication infrastructure tower or overground cable infrastructure to ascertain if the conditions imposed in the grant of permission are observed by the permission holder.

(2) The concerned appropriate authority may, on the basis of such supervision, impose such other reasonable conditions, as it may think fit.

(3) If the concerned appropriate authority comes to the conclusion that the permission holder has willfully violated any of the conditions for grant of permission, it may withdraw, for reasons to be recorded in writing, the permission granted to the permission holder:

Provided that no action shall be taken under this sub-rule unless the permission holder has been given an opportunity of being heard.

18. Maintenance of telecommunication infrastructure tower or overground cable infrastructure,-

(1) The permission holder shall not remove or translocate the telecommunication infrastructure tower or overground cable infrastructure without the prior approval of the concerned appropriate authority.

(2) In the event the Local Authority/ Urban Local Body or any other agency of the State Government or Central Government seeks to widen or modify the roads abutting which the telecommunication infrastructure tower or overground cable infrastructure of the permission holder exists, such permission holder shall coordinate with such agency for removal or shifting of the telecommunication infrastructure tower or overground cable infrastructure.

(3) In the event the telecommunication infrastructure tower or overground cable infrastructure laid down by the permission holder is required to be removed for the purposes provided for under sub-clause (ii), he shall apply for permission, afresh under these Bye-laws for laying it in another location but shall be exempted from payment of fees or furnishing bank guarantee.

19. Penalties,- (1) The permission holder shall be responsible for restoration of any damages caused to any public or private property during the course of erection of telecommunication infrastructure tower or

overground cable infrastructure. In addition, the nodal officer may levy penalty of Rupees One Lakh for such damages caused.

(2) In case of any untoward incidences or accidents arising due to negligence on the part of permission holder during erection of telecommunication infrastructure tower or overground cable infrastructure or due to failure in structural stability of the building on which the telecommunication infrastructure tower is erected, the nodal officer shall initiate criminal proceedings against the permission holder and take necessary action as per law, in addition to levy of penalty.

(3) The nodal officer shall grant permission for establishing overground Telecommunication Infrastructure Tower shall mandatorily obtain structural safety certificate as stipulated in clause 14 (viii). If permission is granted without the above mentioned certificate, criminal proceedings against the concerned nodal officer shall be initiated along with disciplinary action as per law.

20. Restriction to erect Telecommunication Infrastructure Towers.- (1) Water Bodies: (i) No Telecommunication Infrastructure Tower shall be allowed in the bed of water bodies like river or nala and in the Full Tank Level (FTL) of any lake, pond, kunta lands. Unless and otherwise stated, the area and the Full Tank Level (FTL) of a Lake or Kunta shall be reckoned as measured and as certified by the Revenue/ Minor Irrigation/ Water Resources Department.

(ii) Telecommunication Infrastructure Tower shall not be erected within,-

- (a) 6 meters from the boundary of the River.
- (b) 5 meters from the boundary of Lakes or Tanks or Kuntas of area 10.00 Ha and above.
- (c) 3 meters from the boundary of Lakes or Tanks or Kuntas of area less than 10Ha.
- (d) 5 meters from the defined boundary of Canal, Nala, Storm Water Drain of width more than 10 meters and 3 meters from the defined boundary of Canal, Nala, Storm Water Drain of width up to 10 meters.

or

As notified by Government from time to time.

(2) **Railways:** The distance between the Railway Property Boundary and the Telecommunication Infrastructure Tower shall be 30m as per Indian Railways Works Manual or as per no objection certificate given by the Railway Authorities.

(3) **Electrical Lines:** The right-of-way widths recommended for electrical lines of various transmission voltage are as indicated in the table below:

(i) Right-of-way (ROW) for Electrical lines. -

Sl_No.	Transmission voltage	Width of the Right-of-way (ROW) in meters
01	11 kV	7.0
02	33 kV	15.0
03	66 kV	18.0
04	110 kV	22.0
05	132 kV	27.0
06	220 kV	35.0
07	400 kV	52.0

(ii) Distance of site from Electric Lines. - No Telecommunication Infrastructure Tower shall be allowed to be erected or re-erected or any additions or alterations made to Telecommunication Infrastructure Tower in a site within the distance quoted below in accordance with the current Electricity Rules and its amendments from time to time between the building and any overhead electric supply line;

		Vertically in m.	Horizontally in m.
i	Low and medium voltage lines and service lines	2.5	1.2
ii	High voltage lines upto and including 33,000 V.	3.7	2.0
iii	Extra high voltage lines beyond 33000 V.	3.7 (plus 0.3m for every additional 33,000 V. or part thereof)	2.0 (plus 0.3m for every additional 13,000 V. or part thereof)

(4) In the reserved forest or forest areas: for erecting the Towers, NOC from the Forest Department shall be submitted.

(5) Heritage, Religious and Other Structures: (i) In case of Sites located within the distance up to 100meters from protected monuments as notified under the Ancient Monuments and Archeological sites and Remains Act 1958 (central Act 24 of 1958) or the Karnataka Ancient and Historical Monuments and Archeological sites and Remains Act, 1961 (Karnataka Act 7 of 1962) no building or Telecommunication Infrastructure Tower is allowed;

(ii) For the Sites located within distance of above 100meters and up to 200meters from the protected monuments, the construction of one Telecommunication Infrastructure Tower is allowed only after obtaining prior permission from the concerned appropriate authority.

Provided that, the above clause shall not be applicable to towers which have been erected by any person or entity prior to notification of these Bye-Laws.

(iii) In case of Wall Mounted or Pole mounted Antenna, the antenna shall be mounted at least 5 meters above ground level or road level on flyovers.

CHAPTER-V

RIGHT OF APPROPRIATE AUTHORITY TO SEEK REMOVAL OF UNDERGROUND CABLE INFRASTRUCTURE OR OVERGROUND TELECOMMUNICATION INFRASTRUCTURE TOWER OR OVERGROUND CABLE INFRASTRUCTURE

21. Right of the appropriate authority to seek removal, etc- (1) Where the concerned appropriate authority, having regard to circumstances which have arisen since the establishment of any telecom infrastructure or underground or overground cable infrastructure under, over, along, across, in or upon, any immoveable property vested in or under the control or management of that authority, considers that it is necessary and expedient to remove or alter such underground cable infrastructure or overground telecommunication infrastructure tower or overground cable infrastructure, it shall issue a notice to the permission holder, being the owner of such telecom/ cable infrastructure, to remove or alter its location.

(2) On receipt of the notice under sub-rule (1), the permission holder shall, forthwith and within a period of thirty days, proceed to submit, to the concerned appropriate authority, a detailed plan for removal or alteration of such infrastructure.

(3) The concerned appropriate authority shall, after examination of the detailed plan submitted by the permission holder under sub-clause (2), pass such orders as it deems fit:

Provided that the concerned appropriate authority shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telecom/ cable infrastructure, give a reasonable time of not less than ninety days to the permission holder for removal or alteration of such infrastructure;

Provided further that the responsibility and liability, including the cost thereof, for removal or alteration of such underground/ over ground telecom infrastructure shall be borne by the permission holder.

By Order in the name of
The Governor of Karnataka,

(A.Vijayakumar)
Under Secretary to Government ,
Urban Development Department
(MA-2 and Board)

**[SCHEDULE A]
APPLICATION FORM**

Ref No:

Dated:

To,

Subject: Application for permission for laying of cables under _____ Bye-laws

Name of the Applicant/ Company:

Address:

Contact Number:

Email Address:

I (Name of the designated member in the company for carrying out the purposes of this rule) _____ of _____ (Name of the company if applicable), the undersigned, apply for permission to lay down cables below the surface of the earth at _____ (Please mention specific location or locations). I have attached documents required under “**Schedule C**” and submit this application in accordance with other provisions of _____ Bye-laws. I have paid the requisite fees and attached the acknowledgement of such payment to this application. I have furnished the security deposit in a manner prescribed by the appropriate authority.

Signature of the Applicant

**[SCHEDULE B]
PERMISSION FORM**

Ref No:

Dated:

I, _____, [Appropriate Authority] designated under the bye-laws hereby grant you permission to lay cables as per your application vide _____, dated _____.

You shall abide by the following conditions,

- (A) You shall complete laying of cables within _____
- (B) You shall restore the roads dug by you within _____
- (C) You shall comply with all the provisions of _____ Bye-Laws / _____
- (D) Any other conditions as may be determined by the Nodal officer.

Signature of the Appropriate Authority

REJECTION FORM

Ref No:

Dated:

I, _____ [Appropriate Authority] designated under these Rules/ Bye-laws, hereby reject your application for permission to lay cables as per your application vide _____ dated _____.

You may resubmit your application for the reconsideration of the Nodal officer.

Signature of the Appropriate Authority

[SCHEDULE C]

List of Documents required along with the application:

1. Documents to be submitted in all cases

- (i) Copy of registration certificate as communication infrastructure provider or a telecom service provider granted by the Department of Telecommunications, Government of India;
- (ii) Two sets of proposed route for the laying of the cables
- (iii) Time schedule (stretch and stage-wise) for completion of work and investment.

2. Documents for laying cables below the surface of the earth (in addition to those under serial number 1 above),

- (i) Technology or method proposed to be used for laying the cables (Horizontal Directional Drilling/ Horizontal Boring methods or Micro Trenching or open digging) with preference for use of Horizontal Directional Drilling or Micro Trenching;
- (ii) Details of the proposed area such as the manholes that exist and other such existing inlets to the surface below the road.
- (iii) Dimensions of the road where such cables are proposed to be laid
- (iv) Estimate of the cost for restoration of the damage that the nodal officer shall necessarily be put in consequence of the work proposed to be undertaken

[SCHEDULE D]
Technical Standards and parameters

1. Technical Parameters to be followed by the infrastructure service providers while laying the cables below the surface of the earth.

Laying down of underground cables

- (a) The applicant shall carry out the work by using Horizontal Directional Drilling method only so as to minimize the damage and to cause minimum inconvenience to the public.
- (b) The cable shall ordinarily be laid below the footpath or berm or the shoulder of the road.
- (c) The top of the casing or conduit pipe containing the cables shall be at least 1.6 meter below the top surface subject to at least 0.3 meter below the drains inverts and other utility supplies.
- (d) Pits of 2 meter x 1 meter and 1.5 meter deep, or of lower size shall be made at a convenient distance but not less than 80 meter, centre-to-centre, for laying cables. However, in case of special site condition variable depth or dimensions may be permitted by the Nodal officer depending on the site conditions
- (e) The name of the permission holder shall be indicated on the cables boldly.

SCHEDULE - E

**LIST OF DOCUMENTS TO BE SUBMITTED FOR ERECTION OF TELECOMMUNICATION
TOWER**

- (i) a copy of the license granted by the Central Government;
- (ii) the nature and location, including exact latitude and longitude, of post or other above ground contrivances proposed to be established;
- (iii) the extent of land required for establishment of the overground telecom/ cable infrastructure;
- (iv) the details of the building or structure, where the establishment of the overground telecom/ cable infrastructure, is proposed;
- (v) the copy of approval issued by the duly authorized officer of the Central Government for location of the above ground contrivances proposed to be used for the transmission of Radio waves or Hertzian waves;
- (vi) the mode of and the time duration for, execution of the work;
- (vii) the inconvenience, that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
- (viii) the measures proposed to be taken to ensure public safety during the execution of the work;
- (ix) the detailed technical design and drawings of the post or other above ground contrivances;
- (x) certification of the technical design by a structural engineer attesting to the structural safety, of the overground telecom infrastructure;
- (xi) certification by a structural engineer, attesting to the structural safety of the building, where the post or other above ground contrivances is proposed to be established on a building;
- (xii) Estimate of the cost for restoration of the damage that the nodal officer shall necessarily be put in consequence of the work proposed to be undertaken
- (xiii) any other matter relevant, in the opinion of the applicant connected with or relative to the work proposed to be undertaken; and
- (xiv) any other matter connected with or relevant to the work as may be specified, through a general or special order, by the Central Government or State Government or the nodal officer.

೧೬

SCHEDULE - F
COMPLETION CERTIFICATE BY ARCHITECT, ENGINEER etc.

Certified that the erection of telecommunication tower or pole structure or work has been supervised by me and has been completed as per the approved plan and permit no. dated

Name and address of Architect/ Engineer /Town Planner Reg No.:

(Signature)

Place:

Date:

COMPLETION CERTIFICATE BY THE OWNER

Certified that the erection of telecommunication tower or pole structure has been completed or partially completed as per the permit no. dated

(Signature)

Name and address of owner:

Place:

Date:

SCHEDULE-G
USE CERTIFICATE

Certified that the erection of telecommunication tower or pole structure or work under the permit no. dated issued to and supervised by has been inspected by me and that the work executed is in accordance with the permit and that the tower or pole structure is now fit for use.

Signature of the Appropriate Authority

By Order in the name of
The Governor of Karnataka,

(A.Vijayakumar)
Under Secretary to Government ,
Urban Development Department
(MA-2 and Board)